

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE TRANSPORTATION ELEMENT (TO MODIFY POLICY 1.2-D REGARDING 130% OF LEVEL OF SERVICE D PERMITTED FOR SCHOOLS ON ROADWAY SEGMENTS TO INCLUDE INTERSECTIONS AND TO LIMIT THE APPLICABILITY OF THIS POLICY TO PUBLIC AND PRIVATE KINDERGARTEN, ELEMENTARY, MIDDLE, AND HIGH SCHOOLS ONLY; TO MODIFY THE EXISTING OKEECHOBEE BOULEVARD CRALLS POLICIES 1.2-F.23 TIME FRAMES AND TO ADD A PROJECT SPECIFIC COMPONENT TO ALLOW THE DEVELOPMENT OF SYKES PROPERTY AND THOSE PROPERTIES CURRENTLY CONDITIONED TO THE WIDENING OF OKEECHOBEE BOULEVARD); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 20 & 27, and March 12, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 28, 2004 the

1 Department of Community Affairs "Objections, Recommendations, and
2 Comments Report," dated June 19, 2004 which was the Department's
3 written review of the proposed Comprehensive Plan amendments; and

4 WHEREAS, the written comments submitted by the Department of
5 Community Affairs contained no objections to the amendments contained
6 in this ordinance;

7 WHEREAS, on August 24, 2004 the Palm Beach County Board of County
8 Commissioners held a public hearing to review the written comments
9 submitted by the Department of Community Affairs and to consider
10 adoption of the amendments; and

11 WHEREAS, the Palm Beach County Board of County Commissioners has
12 determined that the amendments comply with all requirements of the
13 Local Government Comprehensive Planning and Land Development
14 Regulations Act.

15 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
16 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

17 Part I. Amendments to the 1989 Comprehensive Plan

18 Amendments to the text of the following Element of the 1989
19 Comprehensive Plan are hereby adopted and attached to this Ordinance
20 in Exhibit 1:

21 A. Transportation Element, to modify Policy 1.2-d regarding
22 130% of level of service D permitted for schools on roadway
23 segments to include intersections and to limit the
24 applicability of the is policy to public and private
25 kindergarten, elementary, middle, and high schools only;

26 B. Transportation Element, to modify the existing Okeechobee
27 CRALLS policies 1.2-f.23 time frames and to add a project
28 specific component to allow the development of the Sykes
29 Property and those properties currently conditioned to the
30 widening of Okeechobee Boulevard;

31 C. Amending all elements as necessary for internal
32 consistency.

33 Part II. Repeal of Laws in Conflict

34 All local laws and ordinances applying to the unincorporated area
35 of Palm Beach County in conflict with any provision of this ordinance

1 are hereby repealed to the extent of such conflict.

2 Part III. Severability

3 If any section, paragraph, sentence, clause, phrase, or word of
4 this Ordinance is for any reason held by the Court to be
5 unconstitutional, inoperative or void, such holding shall not affect
6 the remainder of this Ordinance.

7 Part IV. Inclusion in the 1989 Comprehensive Plan

8 The provision of this Ordinance shall become and be made a part
9 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
10 Ordinance may be renumbered or relettered to accomplish such, and the
11 word "ordinance" may be changed to "section," "article," or any other
12 appropriate word.

13 Part V. Effective Date

14 The effective date of this plan amendment shall be the date a
15 final order is issued by the Department of Community Affairs or
16 Administration Commission finding the amendment in compliance in
17 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
18 applicable. No development orders, development permits, or land uses
19 dependent on this amendment may be issued or commence before it has
20 become effective. If a final order of noncompliance is issued by the
21 Administration Commission, this amendment may nevertheless be made
22 effective by adoption of a resolution affirming its effective status,
23 a copy of which resolution shall be sent to the Florida Department of
24 Community Affairs, Division of Community Planning, Plan Processing
25 Team. An adopted amendment whose effective date is delayed by law
26 shall be considered part of the adopted plan until determined to be
27 not in compliance by final order of the Administration Commission.

1 Then, it shall no longer be part of the adopted plan unless the local
2 government adopts a resolution affirming its effectiveness in the
3 manner provided by law.

4 APPROVED AND ADOPTED by the Board of County Commissioners of
5 Palm Beach County, on the 24 day of August, 2004.

6
7 ATTEST:
8 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

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10 By: Linda C. Hickman
11 Deputy Clerk

Karen T. Marcus for
Chair

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13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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17 Robert B. O'Connell
18 COUNTY ATTORNEY

19 Filed with the Department of State on the 30 day of
20 August, 2004.

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EXHIBIT 1

A. **Transportation Element, Okeechobee Boulevard Constrained Roadway at Lower Level of Service (CRALLS)**

REVISIONS: To add language in Policy 1.2-f designating segments of Okeechobee Boulevard as a CRALLS facility. The added text is shown underlined.

REVISED Policy 1.2-f: The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. *(Unchanged text omitted for brevity)*

23) The following roadways are hereby designated as a CRALLS facility, subject to mitigation criteria to be determined, consistent with Transportation Policy 1.2-q:

- a) Okeechobee Boulevard from Benoist Farms to Skees Road:
Peak Hour Standard: 6,150 vehicles per hour
Daily Level of Service Standard: 64,300 vehicles per day
Total trips for new projects: 790 vehicles per hour
- b) Okeechobee Boulevard from Skees Road to Jog Road:
Peak Hour Standard: 6,150 vehicles per hour
Daily Level of Service Standard: 73,389 vehicles per day
Total trips for new projects: 790 vehicles per hour

No development order or permit dependent on this CRALLS shall be issued until adoption of the ULDC revisions to implement the associated point system and traffic sensitive uses described in Transportation Policy 1.2-q. The duration of this CRALLS shall be ~~two~~ 5 years from its effective date, but shall not apply in any case after ~~30 months~~ 7 years from the date of adoption of this amendment.

For the segment of Roebuck Road, west of Jog Road, the County commits to acquire right of way from the City of West Palm Beach within 12 months from the date of adoption of this amendment.

29) The following roadways are hereby designated as a CRALLS facility exclusively for the purpose of concurrency for those projects which have an existing development order conditioning them to the widening of Okeechobee from 6 to 8 lanes and to allow development of Sykes property which has a valid development order but has lost concurrency.

- a) Okeechobee Boulevard from SR 7 to Sansbury's:
Peak Hour Standard: 5,645 vehicles per hour
- b) Okeechobee Boulevard Sansbury's to Benoist Farms
Peak Hour Standard: 6,314 vehicles per hour
- c) Okeechobee Boulevard from Benoist Farms to Skees Road:
Peak Hour Standard: 6,409 vehicles per hour
- d) Okeechobee Boulevard from Skees Road to Jog Road:
Peak Hour Standard: 6,634 vehicles per hour
- e) Okeechobee Boulevard from Jog Road to the Florida Turnpike:
Peak Hour Standard: 7,139 vehicles per hour
- f) Okeechobee Boulevard from the Florida Turnpike to Haverhill Road:
Peak Hour Standard: 6,987 vehicles per hour
- g) Okeechobee Boulevard from Haverhill Road to Military Trail:
Peak Hour Standard: 6,323 vehicles per hour

- h) Intersection of Okeechobee Boulevard and Benoist Farms
Critical Sum: 1841 vehicles per hour
- i) Intersection of Okeechobee Boulevard and Skees Road
Critical Sum: 1971 vehicles per hour
- j) Intersection of Okeechobee Boulevard and Jog Road
Critical Sum: 1808 vehicles per hour
- k) Intersection of Okeechobee Boulevard and Florida Turnpike
Critical Sum: 1611 vehicles per hour
- l) Intersection of Okeechobee Boulevard and Haverhill Road
Critical Sum: 1713 vehicles per hour
- m) Intersection of Okeechobee Boulevard and Military Trail
Critical Sum: 1773 vehicles per hour

The duration of this CRALLS shall be until December 31, 2005 for the Sykes property and until construction begins for the 8-lane widening of Okeechobee Boulevard from Florida Turnpike to SR-7 for those projects that have been delayed due to conditions phasing them to the widening of Okeechobee Boulevard. The mitigation measures for Sykes property will be provided through a reduction in square footage and changes in some of the uses that will result in 2997 daily trips, creation of a ride sharing program, provision of bicycle facilities and payment of 1.5 times the required impact fee. The mitigation measure for the projects conditioned to the widening of Okeechobee will be the widening of Okeechobee Boulevard from 6 to 8 lanes and they will not be allowed to develop at densities/intensities higher than allowed in their approved development orders.

B. Transportation Element, Lower Traffic LOS for Schools

REVISIONS: To change language in Policy 1.2-d in order to establish a lower level of service standard on intersections for schools. The text changes are shown in underlined for new text and ~~strikeout~~ for text proposed to be deleted.

REVISED Policy 1.2-d: The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The Board of County Commissioners further finds that under certain circumstances, lower level of service standards for specific roadway segments and intersections ~~is~~ are appropriate. Consequently, this policy provides for lower transportation facilities level of service standard for certain purposes ~~and on~~ on roadway segments and intersections:

- 1) For the public purpose of allowing public and private schools whose primary purpose is to provide kindergarten, elementary, or secondary school education ~~(as defined in the Introduction and Administration Element)~~ to be constructed, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections. ~~This lower level of service shall pertain only to evaluating the traffic impacts of public and private schools.~~

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 24, 2004
DATED at West Palm Beach, FL on 10/21/04.
DOROTHY H. WILKEN, Clerk
By: William. Brown D.C.